

REMARKS

Applicant has studied the Office Action dated January 22, 2010 and makes the following remarks. No claims have been amended. Claims 63-67, 69-71, 80-89 and 98 have been canceled without prejudice. Claims 75-79, 91, 92, 96 and 97 are pending. Claim 75 is the only independent claim. It is submitted that the application is in condition for allowance. Reconsideration is respectfully requested.

Double Patenting Rejection

The Examiner rejected claims 75-79, 91, 92, 96 and 97 based on non-statutory type double patenting in view of claims 1-8 of U.S. Patent No. 7,003,040 ("the '040 patent"). This rejection is respectfully traversed.

It is respectfully submitted that the '040 patent and the present application are commonly owned. A terminal disclaimer is submitted herewith in compliance with 37 C.F.R. 1.321 to overcome this rejection. It is respectfully requested that the rejection be withdrawn.

CONCLUSION

In view of the above remarks, Applicant submits that claims 75-79, 91, 92, 96 and 97 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

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Enclosure: Terminal Disclaimer